

**DEFENDANT OSBORNE’S PROPOSED VERDICT FORM**

**Liability: Failure to Intervene**

1. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has proven by a preponderance of the evidence that defendant Samuel Osborne, failed to intervene by stopping or attempting to stop defendants Gregory Plummer, Joshua Jackson, Anthony Kelly, and/or William Montgomery from using excessive force against Mr. Givens in violation of the Eighth Amendment?

**Answer “yes” or “no”**

**Liability: Deliberate Indifference**

2. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Samuel Osborne acted with deliberate indifference to Mr. Givens’s serious medical needs, in violation of the Eighth Amendment?

**Answer “yes” or “no”**

**Liability for Conspiracy**

3. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that Defendant Samuel Osborne

engaged in a conspiracy with Defendants Gregory Plummer, Joshua Jackson, Anthony Kelly and William Montgomery against Mr. Givens in violation of state law?

**Answer “yes” or “no”**

**Liability for Gross Negligence**

4. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that Defendant Samuel Osborne acted with Gross Negligence towards Mr. Givens in violation of state law?

**Answer “yes” or “no”**

**Liability of Willful and Wanton Negligence**

5. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that Defendant Samuel Osborne acted with Willful and Wanton Negligence towards Mr. Givens in violation of state law?

**Answer “yes” or “no”**

*If you answered “No” to Questions 1- 5, please turn to Page \_\_, where the Foreperson shall sign and date this form and return it to the court security officer.*

*If you answered “Yes” to any of the preceding questions, you must also answer the following questions concerning the amount of damages to be awarded to the plaintiff.*

**Compensatory Damages**

6. We find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has established, by a preponderance of the evidence, that she is entitled to the following sum as compensatory damages from Defendant Osborne:

\$ \_\_\_\_\_

**Punitive Damages**

7. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, is entitled to punitive damages from Defendant Osborne?

Answer yes or no: \_\_\_\_\_

8. If you answered “Yes” to Question 7 as to a defendant, state the amount of punitive damages that you award to the plaintiff against Defendant Osborne:

\$ \_\_\_\_\_

**Certification**

I certify that the foregoing responses represent the unanimous verdict of the jury empaneled to consider this matter.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
FOREPERSON’S SIGNATURE

\_\_\_\_\_  
FOREPERSON’S PRINTED NAME